

Remarks & Arguments

In the Office Action, the Examiner noted that Claims 1-30 are pending in the application, and that Claims 1-30 are rejected. The amendment to the specification does not add new matter to the application. The Examiner's rejections are traversed below.

Rejections Under 35 USC 102

Claims 1-30 stand rejected under 35 USC 102(e) as being anticipated by Herman et al., (US Patent No. 6,341,353). With regard to Claim 1, the rejection alleges that Herman discloses "responsive to successful verification of said subscriber's identity (determining if the transaction of user is valid), said intermediary entering into a transaction with said vendor on behalf of said subscriber pursuant to said subscriber's instructions and notifying said subscriber upon completion of said transaction (issuing an OK or a rejection), wherein said transaction is completed without disclosing said personal information about said subscriber to said vendor (see col. 6, line 64 to col. 7, line 67)." Applicant respectfully asserts that Herman does not teach or suggest that the intermediary enters into a transaction with the vendor on behalf of the subscriber pursuant to the subscriber instruction such that the transaction is completed without disclosing the personal information about the subscriber to the vendor. Hermann teaches that the consumer (e.g., subscriber) and the vendor interact directly and that the vendor receives information about the consumer as a necessary step of completing the transaction (Col. 6 lines 47-54). Hermann teaches that the transaction between the consumer and the merchant (e.g., vendor) is completed

without the vendor being aware of the assistance provided to the consumer by the trusted agent (e.g., intermediary) (Col. 40, lines 46-49). Herman teaches that the merchant's order form is filled in with information containing the shipping address and billing address, purchasing instrument – credit card number, type, and expiration date, of the user (Col. 43, lines 38-39, lines 45-46). Herman further teaches that the merchant receives user preferences including information directly obtained from the user and may also include information gathered from observing the user's purchasing habits and preferences (Col. 44, lines 41-44). See also: Col. 22, lines 34-36; Col. 25, lines 17-31; Col. 26, line 57 to Col. 27, line 13; Col. 37 lines 32-35; Col. 38, lines 43-54; Col. 1, line 63 to Col. 2, line 1; Col. 2, lines 7-8; Col. 2, lines 14-16; Col. 2, lines 23-25; and Col. 2, lines 36-37.

Accordingly, Herman does not teach or suggest that an intermediary enters into a transaction with the vendor on behalf of the subscriber pursuant to the subscriber instruction. Instead, Herman discloses that the intermediary assists the subscriber in completing the vendor's order form. Herman also does not teach or suggest that the transaction is completed without disclosing the personal information about the subscriber to the vendor. Instead, Herman discloses that the vendor receives personal information directly from the subscriber. Thus, independent Claim 1 is patentably distinguishable over Herman. Claims 2-10, 29 and 30 are dependent upon Claim 1 and incorporate all the limitations therein. Therefore, Claims 2-10, 29 and 30 are also patentably distinguishable over Herman.

With regard to Claim 11, the Applicant respectfully asserts that independent Claim 11 is patentably distinguishable over Herman for the reasons advanced in support of Claim 1. Claims 12-20 are dependent upon Claim 11 and incorporate all the limitations therein. Therefore, Claims 12-20 are also patentably distinguishable over Herman.

With regard to Claim 21, the Applicant respectfully asserts that independent Claim 21 is patentably distinguishable over Herman for the reasons advanced in support of Claim 1. Claims 22-28 are dependent upon Claim 21 and incorporate all the limitation therein. Therefore, Claims 22-28 are also patentably distinguishable over Herman.

Accordingly, Claims 1-30 are patentable over the prior art. Withdrawal of the rejection of Claims 1-30 is therefore respectfully requested.

Conclusion

For all the reasons advanced above, Applicant respectfully submits that the present application is in condition for allowance and that action is earnestly solicited. The Examiner is invited to contact Applicant's undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

The Commissioner is hereby authorized to charge any additional fees, which may be required for this amendment, or credit any overpayment, to Deposit Account 23-0085. In the event that an extension of time is required, or may be required in addition to that requested in a

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petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account 23-0085.

Respectfully submitted,

WAGNER, MURABITO & HAO, LLP

Dated: July 1, 2004

A handwritten signature in cursive script, appearing to read "Eric J. Gash", written over a horizontal line.

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